

Remarks/Arguments:

Claims 1, 2, 4-7, 9 and 14-16 are pending. All claims stand rejected. By this response Applicant amends claim 1. Accordingly, claims 1, 2, 4-7, 9 and 14-16 are presented for reconsideration.

Rejections Under 35 U.S.C. § 102

The Office Action sets forth on page 2, paragraph 2, "Claims 1, 2, 4-7, 9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (WO 00/35308). Applicant respectfully submits that this rejection is overcome by the amendments to the claims for the reasons set forth below.

Applicant's invention as recited in claim 1, as amended, includes features neither disclosed nor suggested by Oh, namely:

...the laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends such that each lace, between two consecutive lacing eyes of the same edge through which it extends, extends through only one lacing eye of the edge, and wherein the ends of both of the laces converge on both of the edges of the opening, with at least one end of each lace extending through a respective end lacing eye of the fastening provided on each of the first and second edges.

First, with reference to claim 1 currently on file, it is respectfully submitted that it is not evident that Oh discloses a lacing arrangement "*wherein the laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends*", as asserted by the Examiner.

On the contrary, Figure 3 of Oh discloses that lace 5b is led through two consecutive lacing eyes of the same edge, without any interposed lacing eye through which the other lace can be led.

Similarly, Figure 4 of Oh discloses that lace 5a is led through two consecutive lacing eyes of the same edge, without any interposed lacing eye through which the other lace can be led.

In order to expedite prosecution, however, Applicant has amended claim 1 to more particularly point out the differences of the claimed invention with respect to prior art, namely with respect to Oh.

More particularly, according to amended claim 1:

1. the laces are led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends;
2. each lace, between two consecutive lacing eyes of the same edge through which it extends, extends through one only lacing eye of the other edge.

This unique and original combination of these two features gives rise to a lace fastening having a regular pattern along the entire extent of the edges of the access opening. More particularly, each lace follows a regular zigzag path so that the laces cross each other regularly along the entire extent of the access opening.

This regular pattern can be clearly seen in all the drawings and is best shown in Figure 4.

It is because Applicant includes the features of the laces led through alternating lacing eyes of the respective pluralities of lacing eyes in a manner such that, between two consecutive lacing eyes of the same edge through which a first of the laces extends, there is at least one lacing eye of the same edge through which a second of the laces extends such that each lace, between two consecutive lacing eyes of the same edge through which it extends, extends through only one lacing eye of the edge, and wherein the ends of both of the laces converge on both of the edges of the opening, with at least one end of each lace extending through a respective end lacing eye of the fastening provided on each of the first and second edges, that a homogeneous closure for the foot along the entire extent of the edges of the access opening can be achieved.

Oh does not achieve this advantage because Oh does not disclose or suggest a lace fastening showing a regular pattern. On the contrary, no regular scheme can be found in the lace fastening disclosed in Oh. More particularly, the second feature of the two above-mentioned features is not anticipated by Oh.

Indeed, in Oh each lace (5a,5b) is led through consecutive lacing eyes (3,120) on the same edge without extending through any lacing eye of the other edge. In other words, in Oh, the laces (5a,5b) are led along vertical or quasi-vertical paths along an edge of the opening of the footwear upper. Accordingly, the lace fastening does not provide for a regular pattern with the laces crossing each other regularly. As a consequence, it would be not possible to achieve a homogeneous closure for the foot along the entire extent of the edges of the access opening starting from Oh's teachings.

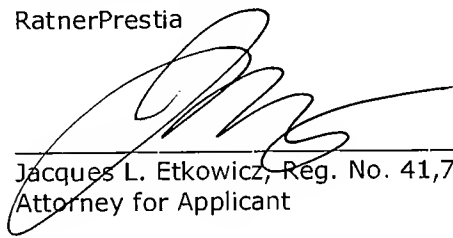
Accordingly, Applicant submits that claim 1 is not subject to rejection under 35 U.S.C. §102(b) as being anticipated by Oh. Withdrawal of the rejection and allowance of claim 1 is respectfully requested.

Claims 2, 4-7, 9 and 14-16 depend upon claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1.

In view of the amendments and remarks set forth above, applicant submits that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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